

DESCRIPTION: This is an annual article to request funds to pay bills after the close of the fiscal year in which the goods were received or the services performed and for which no money was encumbered.

ARTICLE 3 ESTABLISH, DISSOLVE AND APPROPRIATE TO AND FROM SPECIFIED STABILIZATION FUNDS

To see if the Town will vote to create, amend, dissolve, rename and/or appropriate sums of money to and from Stabilization Funds in accordance with Massachusetts General Laws, Section 5B of Chapter 40 for the purposes of: (a) Section 135 Zoning By-Law; (b) Traffic Mitigation; (c) Transportation Demand Management/Public Transportation; (d) Special Education; (e) Center Improvement District; (f) Debt Service; (g) Transportation Management Overlay District; (h) Capital; (i) Payment in Lieu of Parking; (j) Visitors Center Capital Stabilization Fund; (k) Affordable Housing Capital Stabilization Fund; (l) Water System Capital Stabilization Fund; and (m) Ambulance Stabilization Fund; determine whether such sums shall be provided by the tax levy, by transfer from available funds, from fees, charges or gifts or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Select Board)

FUNDS REQUESTED: Unknown at press time

DESCRIPTION: This is an annual article to establish, dissolve, and/or fund Stabilization Funds for specific purposes and to appropriate funds therefrom. Money in those funds may be invested and the interest may then become a part of the particular fund. These funds may later be appropriated for the specific designated purpose by a two-thirds vote of an Annual or Special Town Meeting, for any lawful purpose.

ARTICLE 4 AMEND FY2022 OPERATING AND ENTERPRISE BUDGETS

To see if the Town will vote to make supplementary appropriations, to be used in conjunction with money appropriated under Articles 4, 5 and 9 of the warrant for the 2021 Annual Town Meeting to be used during the current fiscal year, or make any other adjustments to the current fiscal year budgets and appropriations that may be necessary; to determine whether the money shall be provided by tax levy, by transfer from available funds including the Community Preservation Fund or by combination of any of these methods; or act in any other manner in relation thereto.

(Inserted by the Select Board)

FUNDS REQUESTED: Unknown at press time

DESCRIPTION: This is an annual article to permit adjustments to current fiscal year (FY2022) appropriations.

ARTICLE 5 APPROPRIATE FOR POLICE STATION ARCHITECTURAL DESIGN AND SWING SPACE CONSTRUCTION

To see if the Town will vote to raise and appropriate a sum of money for design, engineering and architectural services for a new Police Station at 1575 Massachusetts Avenue; and for remodeling, reconstructing, making extraordinary repairs and additions to the building at 173 Bedford Street, to provide swing space for the Police department; and any costs incidental thereto; and determine whether the money will be provided by the tax levy, by transfer from available funds, by borrowing or by any combination of these methods; or act in any other manner in relation thereto.

ARTICLE 7

**APPROPRIATE FOR WESTVIEW CEMETERY
BUILDING CONSTRUCTION**

To see if the Town will vote to raise and appropriate an additional sum of money for construction of a new Westview Cemetery Building on the Westview Cemetery grounds, including the payment of costs of demolition, architectural and engineering services, original equipment, furnishings, landscaping, paving and other site traffic improvements, or other costs incidental or related to such construction; and determine whether the money will be provided by the tax levy, by transfer from available funds, by borrowing or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Select Board)

FUNDS REQUESTED: \$770,000

DESCRIPTION: Town Meeting appropriated funding for the construction of a new Westview Cemetery building under Article 16K of the 2020 Annual Town Meeting. This construction project was publicly bid in June of 2021, and all bids submitted came in over the appropriated budget of \$3,290,000. This article requests additional funding of \$770,000 to cover the expected construction costs of the Westview Cemetery building, and if approved, this project will be rebid in early 2022.

ARTICLE 8

CLIMATE ACTION PLAN

To see if the Town will vote to raise and appropriate a sum of money to plan and conduct outreach to update the Sustainable Action Plan with the Climate Action plan; to determine whether the money shall be provided by the tax levy, by transfer from available funds, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Select Board)

FUNDS REQUESTED: Unknown at press time

DESCRIPTION: In 2018 the Town published a Getting to Net Zero roadmap, an important step in the right direction to update and implement our community’s goals for reaching sustainable objectives including reduction of emissions laid out in the Sustainable Action Plan. The Climate Action Planning is the next step in putting together the Climate Action plan and will use extensive, inclusive, and creative outreach.

ARTICLE 9 AMEND GENERAL BYLAW-MOUNT INDEPENDENCE HISTORIC DISTRICT

To see if the Town will vote to:

- a. establish a Mt. Independence Historic District to be administered by the Lexington Historic Districts Commission pursuant to Massachusetts General Laws Chapter 40C, Sections 3 and 4; and
- b. add a new Chapter to the Town's Code of Bylaws to govern said Mt. Independence Historic District and other future historic districts established pursuant to Massachusetts General Laws Chapter 40C; or act in any other manner in relation thereto.

(Inserted by the Select Board at the Request of the Historic Districts Commission)

DESCRIPTION: This article proposes to add a new historic district to the Town in the Mt. Independence neighborhood. The District would be administered by the Lexington Historic District Commission, but

subject to G.L. c. 40C, the statewide historic districts legislation, rather than the Special Act which governs other historic districts in the Town.

ARTICLE 10

**REDUCING NOISE FROM LANDSCAPE
MAINTENANCE EQUIPMENT**

To see if the Town will vote to amend Chapter 80 of the Code of the Town of Lexington, Noise Control, to regulate noise generated by the use of motorized landscape maintenance equipment; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Noise Advisory Committee)

DESCRIPTION: This article proposes revisions to the Noise Bylaw to better protect residents from noise pollution caused by motorized landscape maintenance equipment.

ARTICLE 11

EASEMENTS FOR THE TOWN OF BURLINGTON

To see if the Town will vote to authorize the Select Board to convey temporary and permanent easements in Lowell Street and North Street to the Town of Burlington as needed by the Town of Burlington to construct and maintain a water line and associated infrastructure and improvements; or act in any other manner in relation thereto.

(Inserted by the Select Board)

DESCRIPTION: This article would authorize the Select Board to grant easements to the Town of Burlington to construct and maintain a water main and associated improvements to connect to an MWRA water connection near the border of the two towns. The water main would benefit both Burlington and Lexington properties. Construction and maintenance of the water main would proceed pursuant to an Intermunicipal Agreement between the Towns dated June 14, 2021. Under that agreement, Burlington would pay for the costs of designing and constructing the project, and Lexington would have the opportunity to review Burlington's proposed design. Both towns would share in the costs of ongoing maintenance of the water line.

ARTICLE 12

AMEND ZONING BYLAW- STRUCTURES IN YARDS

To see if the Town will vote to amend the Zoning Bylaw to update certain provisions related to walls, fences, and structures in yards, including: adding a definition of “fence”; limiting the height of fences and retaining walls near lot boundaries; permitting structures enabling access for disabled persons anywhere on a lot; prohibiting structures in yards that interfere with safe stopping sight distance on a street; making the definition of “yard” consistent with other provisions of the bylaw; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: This article would update the Zoning Bylaw in a number of ways related to walls, fences, and structures in yards to:

- Add a definition of “fence”;
- Limit the height of fences and retaining walls along a street;
- Limit the height of retaining walls near side and rear lot boundaries to their distance from the lot line;

- Treat combinations of fences and retaining walls as a single structure for the purpose of these limits;
- Permit structures enabling access for disabled persons anywhere on a lot;
- Prohibit structures in yards which interfere with safe sight distance on a street; and
- Clarify that structures other than buildings are permitted in minimum required yards, subject to height limitations.

ARTICLE 13 **AMEND ZONING BYLAW-DIVERSITY, EQUITY, INCLUSION AND PERMITTING**

To see if the Town will vote to amend the Zoning Bylaw to revise permitting criteria to ameliorate racial, disability, and other equity impacts; make special permitting criteria and site plan review criteria consistent; replace the term “family” with the term “household”; permit more than one individual in rooming units; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: This article would update the Zoning Bylaw to incorporate a variety of changes in response to the Systemic Racism Resolution adopted under Article 8 of Special Town Meeting 2020-2, the Full Inclusion Resolution adopted under Article 30 of the 2021 Annual Town Meeting, and the site plan review changes adopted under Article 44 of the 2021 Annual Town Meeting. Specifically, it would:

- State the Town’s intent that any ambiguities in the Zoning Bylaw be interpreted and applied to forbid discriminatory effects;
- Address and ameliorate racial, disability, and other equity impacts in permitting decisions;
- Update and simplify the special permit and site plan review criteria to clarify them and make them consistent;
- Replace the definition of “family” with a more inclusive definition of “household”; and
- Permit more than one resident in a rooming unit.

ARTICLE 14 **AMEND ZONING BYLAW-SOLAR ENERGY SYSTEMS**

To see if the Town will vote to amend the Zoning Bylaw to remove restrictions on, and streamline permitting for, solar energy systems, or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: This article would encourage construction of solar energy systems by permitting solar energy systems on nonconforming lots and wherever other structures are permitted, and by streamlining permitting for small-scale solar energy systems.

ARTICLE 15 **AMEND ZONING BYLAW-OPEN SPACE RESIDENTIAL DEVELOPMENTS**

To see if the Town will vote to amend the Zoning Bylaw to permit open space residential developments; allow increased gross floor area in multi-family housing; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: This article would update the Zoning Bylaw to permit open space residential developments, as defined under the state Housing Choice law as codified at Massachusetts General Laws

Chapter 40A, Section 1A. Open space residential developments would be subject to limits on gross floor area and require the preservation of open land in its natural state and the provision of affordable dwelling units. This amendment to the Zoning Bylaw would also provide incentives to preserve historic buildings and require site plan review by the Planning Board.

ARTICLE 16 **AMEND ZONING BYLAW- RESIDENTIAL PARKING**

To see if the Town will vote to amend the Zoning Bylaw to reduce residential parking requirements to encourage additional residential units; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: This article would update the Zoning Bylaw to reduce the amount of required parking for some residential uses to decrease the cost of adding housing units and encourage use of alternative means of transportation.

ARTICLE 17 **AMEND ZONING BYLAW - SUSTAINABLE DESIGN
FOR HARTWELL AVENUE (Citizen Petition)**

To see if the Town will vote to amend the Zoning Bylaw to alter and/or supplement dimensional, Sustainable Design, and other standards to limit the use of on-site fossil fuel combustion for heating, ventilation, and air conditioning (HVAC) systems for the CM district, or act in any other manner in relation thereto.

(Inserted by Cynthia Arens and 99 or more other registered voters)

DESCRIPTION: The proposed changes under this article would create an additional zoning incentive for new construction in the CM district to use non-fossil-fuel-combustion-based HVAC systems. Buildings that don't use on-site fossil-fuel-combustion-heating or have a first stage of heating that delivers a minimum capacity of heat without on-site combustion are allowed to exceed sixty-five (65) feet in height.

In the name of the Commonwealth of Massachusetts, you are directed to notify the inhabitants of the Town of Lexington qualified to vote in elections and in Town affairs to meet via Zoom videoconferencing platform, the online VVoter module provided by our electronic voting vendor, Option Technologies or comparable online voting tool and online queuing function beginning on Monday, November 8, 2021 at 7:30pm., at which time and place the following articles are to be acted upon and determined exclusively by the Town Meeting Members in accordance with Chapter 215 of the Acts of 1929, as amended, and subject to the referendum provided for by Section eight of said Chapter, as amended.

And you are directed to serve this warrant fourteen days at least before the time of said meeting as provided in the Bylaws of the Town.

Hereof fail not, and make due return on this warrant, with your doings thereon, to the Town Clerk, on or before the time of said meeting.

Given under our hands at Lexington this 12th Day of October 2021.

A true copy, Attest:

Constable of Lexington

Jill I. Hai, Chair

Joseph N. Pato

Suzanne E. Barry

Douglas M. Lucente

Mark D. Sandeen

Select Board

of

Lexington



Town of Lexington

MODERATOR

DEBORAH BROWN

Appendix A

September 8, 2021

DELIVERED BY EMAIL

Dear Select Board Members,

In view of the ongoing COVID-19 pandemic, I request approval to conduct the proposed 2021 Special Town Meeting through remote participation. I propose to use a combination of: (1) the Zoom videoconferencing platform, (2) the online VVoter module provided by our electronic voting vendor, Option Technologies OR comparable online voting tool developed by Select Board member Joe Pato, and (3) an online queuing function developed by Select Board member Joe Pato to facilitate the process of debate.

I certify that all components of the system described above have been fully tested and utilized successfully for prior Town Meetings, and I am satisfied that this system enables our meetings to be conducted in substantially the same manner as if they had occurred in person at a physical location. I certify that the system (i) allows the moderator, town meeting members, town officials and any other interested members of the public to identify and hear the moderator and each town meeting member who attends and participates in the remote meeting, as well as any other individuals who participate in the meeting; (ii) provides the ability to determine whether a quorum is present; (iii) allows participants to request recognition by the moderator and makes such requests visible to the meeting participants and the public; (iv) allows the moderator to determine when a town meeting member wishes to be recognized to speak, make a motion, or raise a point of order or personal privilege; (v) enables the moderator to recognize a town meeting member, town official or other individual and enable that person to speak; (vi) provides the ability to conduct a roll call or electronically recorded vote; (vii) allows any interested members of the public to access the meeting remotely through LexMedia for purposes of witnessing the deliberations and actions taken at the town meeting; (viii) allows members of the public to participate in debate through the submission of statements for or against a motion; and (ix) provides for the town meeting to be recorded and available for future viewing. I further confirm that I have consulted with Lexington's Commission on Disability regarding system accessibility.

Sincerely,

Deborah Brown

Town Moderator

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